

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ISMAHAN ADAN, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

SWEDISH HEALTH SERVICES d/b/a  
SWEDISH MEDICAL GROUP and  
PROVIDENCE HEALTH & SERVICES,

Defendants.

No. 2:22-cv-00078 JHC

**STIPULATED MOTION AND  
ORDER DISMISSING  
PROVIDENCE HEALTH &  
SERVICES WITHOUT  
PREJUDICE AND  
CONTINUING PLAINTIFF'S  
DEADLINE TO FILE  
MOTION FOR  
CONDITIONAL CLASS  
CERTIFICATION**

**Note on Motion Calendar:  
January 11, 2023**

WHEREAS, on January 26, 2022, Plaintiff filed a Class and Collective Action Complaint against Defendants alleging violations based on (1) Failure to Pay Overtime Compensation for Improper Time Deductions; (2) Failure to Pay Overtime; (3) Failure to Provide Meal and Rest Breaks and Ensure Those Breaks Are Taken; (4) Failure to Pay Minimum Wages for All Hours Worked; (5) Failure to Pay Wages Owed at Termination; (6) Willful Refusal to Pay Wages; and (7) Violation of the Washington Consumer Protection Act;

1 WHEREAS, the Parties met and conferred regarding the propriety of PROVIDENCE  
2 HEALTH & SERVICES as a named defendant in this action, and PLAINTIFF took a corporate  
3 representative deposition of PROVIDENCE HEALTH & SERVICES regarding its relationship  
4 with SWEDISH HEALTH SERVICES d/b/a SWEDISH MEDICAL GROUP on January 4, 2023;

5 WHEREAS, Defendants represent that PROVIDENCE HEALTH & SERVICES is an  
6 improperly named defendant in this action;

7 WHEREAS, by entering into this Stipulation, Plaintiff does not in any way acknowledge  
8 the accuracy or truthfulness of PROVIDENCE HEALTH & SERVICES' representations herein;

9 WHEREAS, by entering into this Stipulation, PROVIDENCE HEALTH & SERVICES  
10 does not in any way acknowledge the accuracy or truthfulness of Plaintiff's representations as  
11 alleged herein or in the Complaint;

12 WHEREAS, Plaintiff has agreed to dismiss PROVIDENCE HEALTH & SERVICES  
13 from this action, without prejudice;

14 WHEREAS, PROVIDENCE HEALTH & SERVICES is not providing direct or indirect  
15 consideration for their dismissal;

16 WHEREAS, the Parties seek to dismiss only PROVIDENCE HEALTH & SERVICES  
17 from this action, without prejudice;

18 WHEREAS, if Plaintiff determines through discovery that dismissed Defendant  
19 PROVIDENCE HEALTH & SERVICES should be made a party to this case, Plaintiff may file a  
20 motion to amend the complaint no later than the deadline to file class certification pursuant to  
21 FRCP Rule 23 and the Court's May 13, 2022 Order (Dkt. 27);

22 WHEREAS, PROVIDENCE HEALTH & SERVICES expressly waives any right to seek  
23 fees and costs from Plaintiff that have been incurred in defending this action up through this point  
24 unless Plaintiff successfully adds dismissed PROVIDENCE HEALTH & SERVICES as a party  
25 to this case at a later date;

1 WHEREAS, on May 13, 2022, the Court Ordered, pursuant to the Parties' Stipulation on  
2 Briefing Schedule, that Plaintiff file a motion for collective certification by January 31, 2023, for  
3 Defendants to file their opposition by February 28, 2023, and for Plaintiff to file a reply by March  
4 21, 2023. The hearing date was proposed to be April 6, 2023, subject to the Court's availability.

5 WHEREAS, the Parties agree that Plaintiff be provided an additional approximately 120  
6 days to file her motion for collective certification, to allow the Parties sufficient time to engage in  
7 discovery related to the remaining Defendant, SWEDISH HEALTH SERVICES d/b/a SWEDISH  
8 MEDICAL GROUP prior to conditional certification of the class;

9 NOW, THEREFORE, subject to the approval of this Court, the parties, by and through  
10 their undersigned counsel of record, hereby stipulate and agree to the following:

11 1. PROVIDENCE HEALTH & SERVICES shall be dismissed from this action,  
12 without prejudice, subject to the terms and conditions contained in this Stipulation.

13 2. Plaintiff's deadline to file her motion for conditional class certification shall be  
14 continued to May 31, 2023, Defendant's deadline to file their opposition shall be June 30, 2023,  
15 and Plaintiff's deadline to file her reply shall be July 21, 2023. The hearing on Plaintiff's motion  
16 for conditional certification shall be continued to August 4, 2023, depending on the Court's  
17 availability.

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 RESPECTFULLY SUBMITTED AND DATED this 11th day of January, 2023.

3  
4 TERRELL MARSHALL LAW  
GROUP PLLC

DAVIS WRIGHT TREMAINE LLP

5 By: /s/ Beth E. Terrell

By: /s/ Paula Lehmann

6 Beth E. Terrell, WSBA #26759  
7 Email: bterrell@terrellmarshall.com  
Jennifer Rust Murray, WSBA #36983  
8 Email: jnmurray@terrellmarshall.com  
Erika L. Nusser, WSBA #40854  
9 Email: enusser@terrellmarshall.com  
10 936 North 34th Street, Suite 300  
Seattle, Washington 98103  
11 Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

Paula Lehmann, WSBA #20678  
E-mail: paulalehmann@dwt.com  
Melissa Mordy, WSBA #41879  
Email: missymordy@dwt.com  
Margaret Burnham, WSBA #47860  
Email: megburnham@dwt.com  
929 108th Avenue NE, Suite 1500  
Bellevue, Washington 98004  
Telephone: (425) 646-6194  
Facsimile: (425) 646-6199

12 Andrew D. Weaver, *Pro Hac Vice*  
13 Email: adweaver@schneiderwallace.com  
Carolyn H. Cottrell, *Pro Hac Vice*  
14 Email: ccottrell@schneiderwallace.com  
Samantha A. Smith, *Pro Hac Vice*  
15 Email: sasmith@schneiderwallace.com  
16 SCHNEIDER WALLACE COTTRELL  
KONECKY LLLP  
17 2000 Powell Street, Suite 1400  
Emeryville, California 94608  
18 Telephone: (415) 421-7100  
19 Facsimile: (415) 421-7105

Kathryn S. Rosen, WSBA #29465  
Email: katieirosen@dwt.com  
20 Scott Prange, WSBA #53980  
Email: scottprange@dwt.com  
DAVIS WRIGHT TREMAINE LLP  
21 920 Fifth Avenue, Suite 3300  
Seattle, WA 98104-1610  
22 Telephone: (206) 757-8134  
23 Facsimile: (206) 757-7134

*Attorneys for Defendants*

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27 *Attorneys for Plaintiff*


**ORDER**

1  
2 1. Defendant PROVIDENCE HEALTH & SERVICES is hereby dismissed from this  
3 action without prejudice.

4 2. Plaintiff Ismahan Adan's deadline to file her motion for conditional certification of the  
5 class shall be continued to May 31, 2023, Defendant's deadline to file their opposition shall be  
6 June 30, 2023, and Plaintiff's deadline to file her reply shall be July 21, 2023. The hearing on  
7 Plaintiff's motion for conditional certification shall be continued to August 4, 2023, depending on  
8 the Court's availability.

9  
10 PURSUANT TO STIPULATION, IT IS SO ORDERED

11  
12 DATED: January 11, 2023

13   
14 The Honorable John H. Chun  
15 UNITED STATES DISTRICT JUDGE  
16

17 Presented by:

18 TERRELL MARSHALL LAW GROUP PLLC

19 By: /s/ Beth E. Terrell

20 Beth E. Terrell, WSBA #26759  
21 Email: bterrell@terrellmarshall.com  
22 Jennifer Rust Murray, WSBA #36983  
23 Email: jmurray@terrellmarshall.com  
24 Erika L. Nusser, WSBA #40854  
25 Email: enusser@terrellmarshall.com  
26 936 North 34th Street, Suite 300  
27 Seattle, Washington 98103  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

1 Andrew D. Weaver, *Pro Hac Vice*  
Email: adweaver@schneiderwallace.com  
2 Carolyn H. Cottrell, *Pro Hac Vice*  
Email: ccottrell@schneiderwallace.com  
3 Samantha A. Smith, *Pro Hac Vice*  
Email: sasmith@schneiderwallace.com  
4 SCHNEIDER WALLACE COTTRELL  
KONECKY LLLP  
5 2000 Powell Street, Suite 1400  
6 Emeryville, California 94608  
Telephone: (415) 421-7100  
7 Facsimile: (415) 421-7105

8 *Attorneys for Plaintiff*

9 DAVIS WRIGHT TREMAINE LLP

10 By: /s/ Paula Lehmann

11 Paula Lehmann, WSBA #20678  
E-mail: paulalehmann@dwt.com  
12 Melissa Mordy, WSBA #41879  
Email: missymordy@dwt.com  
13 Margaret Burnham, WSBA #47860  
Email: megburnham@dwt.com  
14 929 108th Avenue NE, Suite 1500  
15 Bellevue, Washington 98004  
Telephone: (425) 646-6194  
16 Facsimile: (425) 646-6199

17 Kathryn S. Rosen, WSBA #29465  
Email: katierosen@dwt.com  
18 Scott Prange, WSBA #53980  
Email: scottprange@dwt.com  
19 DAVIS WRIGHT TREMAINE LLP  
20 920 Fifth Avenue, Suite 3300  
21 Seattle, WA 98104-1610  
Telephone: (206) 757-8134  
22 Facsimile: (206) 757-7134

23 *Attorneys for Defendants*